

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TSUNGAI TUNGWARARA,

No. C-04-02144 EDL

Plaintiff,

**ORDER DENYING DEFENDANT'S
MOTION FOR STAY WITHOUT
PREJUDICE**

v.

United States of America,

Defendant.

Defendant's Motion For Stay Of Action Because Of Pending Supreme Court Decision came on for hearing on August 30, 2005. Having reviewed the submissions of the parties and heard the arguments of counsel, and for good cause shown, the Court denies Defendant's Motion For Stay without prejudice. After the Court decides the Motion for Summary Judgment that is scheduled to be heard on September 13, 2005, the Court and the parties will address the timing of any renewed Motion for Stay.

IT IS SO ORDERED.

Dated: September 1, 2005


ELIZABETH D. LAPORTE
United States Magistrate Judge